IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 17438 of 2007(A)

PETITIONER:

M.ARYAKUMARAN, HIGH SCHOOL ASSISTANT (MATHEMATICS), A.K.N.M.M.A. MEMORIAL HIGH SCHOOL, KATTUKULAM, OTTAPPALAM EDUCATIONAL DISTRICT, PALAKKAD.

BY ADV. SRI.GEORGE ABRAHAM

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. DEPUTY DIRECTOR OF EDUCATION, PALAKKAD.

3. DISTRICT EDUCATIONAL OFFICER, OTTAPPALAM

BY GOVT.PLEADER SRI.A.J.VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No. 17438 of 2007

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Dated this the 7th day of June, 2007.

J U D G M E N T

According to the petitioner, the anomaly in his pay scale vis-a-vis that of his junior was rectified and his pay was revised. However petitioner has now been served with Exts.P2 to P4 communications directing him to refund certain amounts which were allegedly paid to him in excess.

2. I do not propose to deal with the above contention at this stage, in view of the submission made by the learned counsel at the Bar. He submits that the issue is squarely covered in favour of the petitioner in view of Ext.P7 judgment rendered by this Court in W.P.No.20914/2003. It is also submitted by him that the said judgment has been followed in several other similar cases. The limited prayer is to issue an appropriate direction to respondent No.1 to take a decision on Ext.P6 which is stated to have been submitted by the petitioner highlighting all the relevant aspects.

3. Learned Govt. Pleader submits that if Ext.P6 has been preferred as contended by the petitioner, a decision thereon will be taken without any delay.

4. In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders on Ext.P6 strictly on its merit and accordance with law, as expeditiously as possible, at any rate within 2 months from the date of receipt of a copy of this judgment. Needless to mention that the petitioner shall be afforded sufficient opportunity to be heard before any orders are passed.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. Basheer

an. **Judge.**